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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,944	02/04/2000	Christopher Warnock	EBRY0001	9493
22862	7590	09/10/2007		
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER LE, NANCY LOAN T	
			ART UNIT	PAPER NUMBER
			3621	
			MAIL DATE	DELIVERY MODE
			09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/498,944

Applicant(s)

WARNOCK ET AL.

Examiner

NANCY T. LE

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 15, 17-21, 55-75 and 78-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 15, 17-21, 55-75 and 78-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-3, 15, 17-21, 55-75 and 78-85 have been examined and pending in the present application.

Response to Arguments

Applicant's arguments with respect to claims 1 and 67 have been considered but are moot in view of the new ground(s) of rejection as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 67 are rejected under 35 U.S.C. §102(b) as being anticipated by LeBOURGEOIS (International PCT Publication No. WO 98/42098, published on 09/24/1998).

As per **claim 1**, LeBOURGEOIS discloses a method for allowing a user to access document content using a logic client device comprising:

- delivering to a user of said client logic device, via a document server, a first user viewable version of the actual contents of a specific document residing at a said document server on a first cost basis, said first user viewable version being protected by a security server to prevent the user from performing standard operations on said version such as copying, printing or saving (*i.e., transmitting product broadcast package via the Internet (Fig. 4 step 428) to a user's reader system (Fig. 5 steps 502, 504) – pg. 17 lines 15 – 19, pg. 19 lines 19-32*);

- calculating with said document server a charge to permit the user to perform a requested standard operation on a user-selected portion of said specific document on a second cost basis (*pg. 11 lines 1-9, pg. 26 lines 13-18, pg. 28 line 24 – pg. 29 line 6, fig. 8 and 10 step 806, fig. 9 steps 906 & 908. The Office interprets the claim term 'document server' to be a non-functional descriptive material, and the 'license server' in the prior art, in terms of functions, serves as both the licensing server as well as the document server. Specifically, the license server calculates charge(s) as well as assembles product server download package and transmits the product server download package to the user's reader system.*);
- delivering to said user, via said document server, a second version of the actual contents of said specific document residing at said document server comprising said user-selected portion of said specific document, wherein a user requested standard operation is completed, in coordination with said document server, upon payment of the calculated charge (*pg. 11 lines 9-15, pg. 28 lines 4 – 23, fig. 9 steps 906 & 908. Again, the Office interprets the claim term 'document server' to be a non-functional descriptive material, and the 'license server' in the prior art, in terms of functions, serves as both the licensing server as well as the document server. Specifically, the license server calculates charge(s) as well as assembles product server download package and transmits the product server download package to the user's reader system.*).

As per claim 67, LeBOURGEOIS discloses a method for allowing the purchase of information from a server, comprising:

- delivering user-requested pages of a specific document from a document server in a first user-viewable version comprising a form protected by a security server to a user of a client logic device to permit said user viewing the actual contents of said pages of said specific document and selecting by said user but not printing, copying or saving by the user (*i.e.,*

transmitting product broadcast package via the Internet (Fig. 4 step 428) to a user's reader system (Fig. 5 steps 502, 504) – pg. 17 lines 15 – 19, pg. 19 lines 19-32);

- calculating a charge with said document server to permit a requested standard operation to be performed on a user-selected portion of said specific document (*pg. 11 lines 1-9, pg. 26 lines 13-18, pg. 28 line 24 – pg. 29 line 6, fig. 8 and 10 step 806, fig. 9 steps 906 & 908. The Office interprets the claim term 'document server' to be a non-functional descriptive material, and the 'license server' in the prior art, in terms of functions, serves as both the licensing server as well as the document server. Specifically, the license server calculates charge(s) as well as assembles product server download package and transmits the product server download package to the user's reader system.); and*
- delivering the user-selected portion, via said document server, in coordination with said security server, upon authorization of payment of the calculated charge in a second version comprising a form on which the standard operation is performed (*pg. 11 lines 9-15, pg. 28 lines 4 – 23, fig. 9 steps 906 & 908. Again, the Office interprets the claim term 'document server' to be a non-functional descriptive material, and the 'license server' in the prior art, in terms of functions, serves as both the licensing server as well as the document server. Specifically, the license server calculates charge(s) as well as assembles product server download package and transmits the product server download package to the user's reader system.).*

Conclusion

Examiner has cited particular columns and line numbers and/or paragraph and/or page numbers in the prior arts of record as applied to the claims above in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as

well. It is respectfully requested from the applicant, in preparing the response, to fully consider the references in its **entirety** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **NANCY LOAN T. LE** whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **ANDREW J. FISCHER** can be reached on **(571) 272-6779**.

For **official/regular communication**, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

For **informal/draft communication**, the fax number is **(571) 273-7066 (Rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **<http://pair-direct.uspto.gov>**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.



Nancy Le

Patent Examiner

24 August 2007



ANDREW J. FISCHER
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TECHNOLOGY CENTER 3600